



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,315	08/27/2001	J. Zachary Gorman	51040.P018	5094

25943 7590 09/15/2004

SCHWABE, WILLIAMSON & WYATT, P.C.  
PACWEST CENTER, SUITES 1600-1900  
1211 SW FIFTH AVENUE  
PORTLAND, OR 97204

EXAMINER

CAO, CHUN

ART UNIT PAPER NUMBER

2115

DATE MAILED: 09/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,315

Applicant(s)

GORMAN, J. ZACHARY

Examiner

Chun Cao

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-27 are presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The current title is imprecise.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 and 12-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, in line 14, the claim language is unclear to understand what is meant by "sampling said selector signal and said first and said first and second data signals...".

Claim 3 recites the limitations "said third signal" in line 3; "said reference signal" in line 5. There is insufficient antecedent basis for those limitations in the claim.

Claims 2-8 are rejected because they incorporate the deficiencies of claim 1.

Claim 12 recites the limitation "the state of a second clock" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claims 13-16 are rejected because they incorporate the deficiencies of claim 12.

Regarding claim 17, in line 14, the claim language is unclear to understand what is meant by "sampling said selector signal and said first and said first and second data signals...".

Claim 20 recites the limitation "the state of the selector signal" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 23 recites the limitations "the data signal" in line 2; "the input clock signal" in line 3. There is insufficient antecedent basis for those limitations in the claim.

Claims 21-23 are rejected because they incorporate the deficiencies of claim 20.

Regarding claim 24, in line 11, the claim language is unclear to understand what is meant by "said selector signal and said selector signal...".

Claim 24 recites the limitation "the sampled value of the selector signal" in line 16. There is insufficient antecedent basis for this limitation in the claim.

Claims 25-27 are rejected because they incorporate the deficiencies of claim 24.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 12 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Migita (Migita), U.S. patent no. 6,526,106.

As per claim 12, Migita teaches a method of passing data between a first time domain and a second asynchronous time domain [col. 3, lines 17-20], the method comprising:

receiving a first data signal generated with respect to a first clock signal associated with said first time domain [col. 5, lines 1-3];

receiving a second data signal representing said first data signal delayed by a first measure [col. 5, lines 5-11] such that during transition of said first data signal said second data signal is valid, and during transition of said second data signal said first data signal is valid [fig. 2];

selecting between said first and second data signals based at least in part upon a state of a second clock signal associated with said second time domain [col. 5, lines 13-20; col. 6, lines 24-30, 39-42].

As per claim 20, Migita teaches the claimed method of steps. Therefore, Migita teaches the claimed system [figs. 1, 5] to carry out the method of steps.

***Allowable Subject Matter***

7. Claims 9-11 are allowed over prior art.
8. Claims 1, 17 and 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
9. Claims 2-8, 18-19 and 25-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
10. Claims 13-16 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2115

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106 (571-272-3664, effective 10/14/2004). The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717 (571-272-3667, effective 10/14/2004). The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631 (571-272-2100, effective 10/14/2004)..



Chun Cao

Sep. 13, 2004